UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,662	08/29/2001	Hisao Yasuda	1614.1183	4832

21171   7590   04/04/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
PESIN, BORIS M

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/940,662	YASUDA, HISAO
	Examiner	**Art Unit**	
	Boris Pesin	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 November 2004</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2,4,8,9 and 14</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,2,4,8,9 and 14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This communication is responsive to Amendment A, filed 11/17/2004.

Claims 1, 2, 4, 8, 9 and 14 are pending in this application. Claims 1, 2, 8, 9, and

14 are independent claims. In the Amendment A, Claims 1, 2, 8, 9 and 14 were

amended and claims 3, 5-7 and 10-13 were canceled. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim Objections

Claim 1 is objected to because of the following informalities:

Line 3 – "ore" is misspelled. The Examiner believes the Applicant meant "or".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 8, 9, and 14 are rejected under 35 U.S.C. 102(b) as being

anticipated by Ezekiel et al. (US 5625783).

In regards to claim 1, Ezekiel teaches a method for suppressing menu items on a

menu, comprising:

setting one or more of said menu items being registered in a definition file to be

suppressed, and indicating a suppress process to said one or more of said menu items

(i.e. *"according to the menu contents as previously determined in step AD, no*

commands are assigned to a display group for this group identifier (step CC), then the

group is suppressed from the menu (step CD). Otherwise, the group is included in the

menu as a display group that contains the previously determined commands (step CE)."

Column 9, Line 33);

retrieving said menu items for said menu when an operating system conducts a

hook function to notify that an application displays said menu (i.e. *"To rebuild the menu*

bar and menus (steps AD, AE, and AF), application program 260 determines what

packages and packets are active and gathers the commands from the command tables

of these packages and packets (step AD). It then constructs a complete menu

hierarchy including a menu bar, menus, and submenus, if any, in which the commands

from the various command tables are organized according to their display groups (step

AE). The resulting menu bar is displayed in visual display 221, and the menus and

submenus therein become available for selection by the user with selector device 222

(step AF)." Column 8, Line 49);

conducting a suppress process indicated in a definition file for each of said menu

items when said retrieved menu items have been registered in said definition file (i.e.

"The step of organizing the contents of the menu bar and menus (step AE) is shown in

greater detail in the flowchart of FIG. 7. In the specific embodiment, shell 300 uses an

organizational plan that is predetermined and built into the design of application

program 260. The organizational plan provides a guideline as to which menus are to be

included in the menu bar and in what order, and which groups are to be included in

particular menus and in what order. It is readily extensible to new groups and menus

introduced by add-on software components. For example, the add-on components can

specify where a new group or menu is to appear in relation to an existing group or

menu." Column 9, Line 14);

and passing said menu having said menu items to said application when said

suppress process is conducted in said conducting, whereby said menu is displayed with

said menu items for each of which said suppress process is conducted (i.e. "Within the

menu currently under consideration, shell 300 considers in turn each group identifier

that could possibly appear in the menu (step CB). If, according to the menu contents as

previously determined in step AD, no commands are assigned to a display group for this

group identifier (step CC), then the group is suppressed from the menu (step CD).

Otherwise, the group is included in the menu as a display group that contains the

previously determined commands (step CE). Processing continues until all possible

groups of the menu have been considered. If the resulting menu is empty because all

of its groups were suppressed (step CF), then the entire menu is suppressed (step CG).

Otherwise the menu is included in the menu bar (step CH). Processing continues until

all possible menus have been considered." Column 9, Line 30).

In regards to claim 2, Ezekiel teaches a method for suppressing menu items on a menu, comprising the step of:

setting one or more of said menu items being registered in a definition file to be suppressed, and indicating a suppress process to said one or more of said menu items (i.e. "*according to the menu contents as previously determined in step AD, no commands are assigned to a display group for this group identifier (step CC), then the group is suppressed from the menu (step CD). Otherwise, the group is included in the menu as a display group that contains the previously determined commands (step CE)."* Column 9, Line 33);

retrieving said menu items for said menu and an application ID specifying an application of said menu items when an operating system conducts a hook function to notify that said application displays said menu (i.e. "*The step of determining the contents of the menu bar and menus (step AD) is shown in greater detail in the flowchart of FIG. 6. For each registered package (step BA), shell 300 considers in turn each of the commands in the package's command table (step BB), and assigns each of these package commands to a display group according to the command's group identifier (step BC). Shell 300 then checks to determine whether any windows are active (step BD). If there is an active window, shell 300 checks to determine the active packet for the active window, that is, the packet pointed to by the template object for the active window (step BE). Shell 300 considers in turn each of the commands in the active packet's command table (step BF), and assigns each of these packet commands*

to a display group according to the command's group identifier (step BG)." Column 8,

Line 66);

conducting a suppress process indicated in a definition file for a location of said

retrieved application ID for said menu items when said retrieved menu items have been

registered in said definition file (i.e. "*The step of organizing the contents of the menu bar*

and menus (step AE) is shown in greater detail in the flowchart of FIG. 7. In the specific

embodiment, shell 300 uses an organizational plan that is predetermined and built into

the design of application program 260. The organizational plan provides a guideline as

to which menus are to be included in the menu bar and in what order, and which groups

are to be included in particular menus and in what order. It is readily extensible to new

groups and menus introduced by add-on software components. For example, the add-

on components can specify where a new group or menu is to appear in relation to an

existing group or menu." Column 9, Line 14);

and passing said menu having said menu items to said application when said

suppress process is conducted, whereby said menu is displayed with said menu items

for each of which said suppress process is conducted (i.e. "*Within the menu currently*

under consideration, shell 300 considers in turn each group identifier that could possibly

appear in the menu (step CB). If, according to the menu contents as previously

determined in step AD, no commands are assigned to a display group for this group

identifier (step CC), then the group is suppressed from the menu (step CD). Otherwise,

the group is included in the menu as a display group that contains the previously

determined commands (step CE). Processing continues until all possible groups of the

menu have been considered. If the resulting menu is empty because all of its groups were suppressed (step CF), then the entire menu is suppressed (step CG). Otherwise the menu is included in the menu bar (step CH). Processing continues until all possible menus have been considered." Column 9, Line 30).

In regards to claim 4, Ezekiel teaches a method, wherein said suppress process conducts at least one of a first suppress display for suppressing an operation corresponding to each of said menu items and displaying said menu items in luminosity or a color that is different from a normal display, a second suppress display for suppressing said operation corresponding to each of said menu items and making said menu items invisible, and a third suppress display for suppressing said operation corresponding to each of said menu items (i.e. *"If, according to the menu contents as previously determined in step AD, no commands are assigned to a display group for this group identifier (step CC), then the group is suppressed from the menu (step CD). Otherwise, the group is included in the menu as a display group that contains the previously determined commands (step CE). Processing continues until all possible groups of the menu have been considered. If the resulting menu is empty because all of its groups were suppressed (step CF), then the entire menu is suppressed (step CG)."* Column 9, Line 33).

Claim 8 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 9 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 14 is in the same context as claim 1; therefore it is rejected under similar

rationale.

Response to Arguments

Applicant's arguments filed 11/17/2004 have been fully considered but they are

not persuasive.

The Applicant argues that Ezekiel does not teach setting one or more of said

menu items being registered in a definition file to be suppressed, and indicating a

suppress process to said one or more of said menu items. The Examiner disagrees

and points out that Ezekiel does teach this functionality, "*according to the menu*

contents as previously determined in step AD, no commands are assigned to a display

group for this group identifier (step CC), then the group is suppressed from the menu

(step CD). Otherwise, the group is included in the menu as a display group that

contains the previously determined commands (step CE)." (Column 9, Line 33);

The Applicant further argues that in Ezekiel the user cannot modify the definition

file. The Examiner points out that a user modifying the definition file is not part of the

Applicant's claim limitations.

Inquiry

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070.

The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

BP

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100